

# **Exhibit R**

## **Roberts Declaration**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION (CLEVELAND)**

A. PHILIP RANDOLPH INSTITUTE OF  
OHIO, LEAGUE OF WOMEN VOTERS OF  
OHIO, OHIO STATE CONFERENCE OF  
THE NAACP, BEATRICE GRIFFIN,  
SARAH RIKLEEN, C. ELLEN  
CONNALLY, MATTHEW NOWLING,  
RYLLIE JESIONOWSKI, SOLI COLLINS,  
and MARCUS GERMANY,

*Plaintiffs,*

v.

FRANK LAROSE, in his official capacity as  
Secretary of State of Ohio,

*Defendant.*

CASE NO. 1:20-cv-01908-DAP

Hon. Judge Dan A. Polster

**DECLARATION OF TOM ROBERTS IN SUPPORT OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**  
(Pursuant to 28 U.S.C. § 1746)

I, Tom Roberts, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

**Personal Background**

1. I am the President of the Ohio State Conference of the NAACP ("Ohio NAACP"), a Plaintiff in the above-captioned matter. I have served as President since 2017.

2. Ohio NAACP is a nonpartisan, multi-racial, non-profit membership organization that serves as an arm of the National Association for the Advancement of Colored People (“NAACP”).

3. Ohio NAACP has 38 active adult chapters, college chapters, and youth councils in Ohio. Its mission is to eliminate race-based discrimination through securing political, educational, social, and economic equality rights and ensuring the health and well-being of all persons.

4. Ohio NAACP conducts voter education, engages in voter registration, offers rides through its Souls to Polls program, and conducts election protection and get-out-the-vote activities.

5. Since the pandemic, Ohio NAACP has held Zoom video calls and virtual town halls for its membership and the constituents it serves, regarding how to vote absentee by mail in Ohio.

6. Ohio NAACP is encouraging its members to vote mail-in absentee ballots in the upcoming November election because most of its members are older and have comorbidities that make them at high risk of contracting COVID-19.

7. A majority of Ohio NAACP’s members are Black American and live in concentrated urban areas. Ohio NAACP also has membership in less populated, rural areas as well.

#### **Ohio NAACP’s Advocacy and Education Around Secure Ballot Drop Boxes**

8. Ohio NAACP has advocated for multiple secure ballot drop boxes since the beginning of the pandemic and since more members have been voting by mail.

9. In the November 2020 election, I and my organization anticipate that, due to the coronavirus pandemic, unprecedented numbers of Ohioans will instead be voting by mail, many for the first time.

10. In preparation for the November 2020 election, Ohio NAACP has devoted resources, including volunteer time to these efforts and plans to devote more to educating the public about the barriers to voting and also to help Ohioans cast absentee ballots as a voting option.

11. Ohio NAACP has had to shift its resources to educating membership about Ohio Secretary of State Frank LaRose's Directive 2020-16 that bans counties from installing multiple ballot drop boxes excepted one single drop box at the board of elections office.

12. Ohio NAACP has fielded calls from concerned chapters in Lucas, Hamilton, and Cuyahoga on Directive 2020-16 in so far as it bans multiple secure drop boxes per county. Ohio NAACP is also fielding calls from members who have shared the difficulties around having to travel to the office of their county board of elections to use a secure drop box to deliver their absentee ballots and ballot applications.

13. Ohio NAACP is devoting significant time and resources to Zoom video calls and virtual town halls to educate members on the need to request absentee ballots early given postal service delays.

#### **Impact of Directive 2020-16 on Ohio NAACP's Membership**

Most of Ohio NAACP members and communities it serves are Black American. A majority of Ohio NAACP members are 50 years or older and suffer from comorbidities that make them at high risk of contracting COVID-19 and contracting it in its severest form. Their only option is to absentee by mail.

14. Many Ohio NAACP members live in counties that publicly support installing multiple drop boxes.

15. Many members are skeptical that the postal service will deliver their absentee ballots to boards of elections in a timely fashion. For that reason, they believe that they will be disenfranchised if they mail their ballots using the postal service.

16. Ohio NAACP has its largest units in more populous cities—Cleveland, Cincinnati, Dayton, Toledo, and Columbus, Ohio.

17. Black communities in these cities often live far from the board of elections and do not have cars. Public transportation is the only way for their getting to the board of elections office and use the secure drop box. But public transportation is hazardous during a pandemic and many members do not want to get on mass transit.

18. Members who have cars want to ensure that they have access to the drop box but are uncertain given the possibility of traffic jams, the long distance to the board of elections office, and the issue of access in populated counties where there is 1 drop box to more than 800,000 registered voters.

19. Ohio NAACP also has active members in less populous cities of Springfield, Wooster, Chillicothe, Ohio, among others. In these cities, Ohio NAACP members live far from their board of elections office and face many of the same transportation issues as members in more populous counties. Many members do not own cars. Many of these cities do not have public transit.

20. Ohio NAACP members would use secure drop boxes at accessible and secure locations on municipal or governmental property, but are unable to do so because of Secretary LaRose's ban.

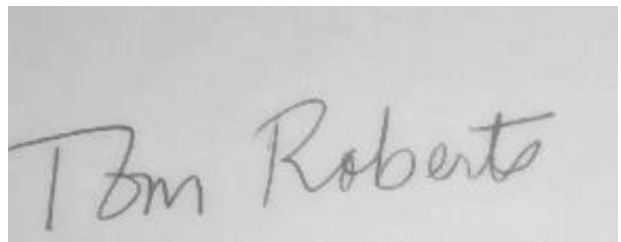
21. The Directive in particular disadvantages members in populated counties—Cuyahoga County has more than 850,000 registered voters. One drop box per 850,000 voters does not make sense, this would result in traffic and long lines. Meanwhile counties with less than 10,000 voters have one drop box. I believe that this inequality in access will disenfranchise a lot of my members.

22. But for Directive 2020-16, many Ohio NAACP members would drop off their absentee-ballot applications and absentee ballots at secure drop boxes closer to their residences (or,

alternatively, with election officials at any polling place in their county, if that option were provided), without having to travel to their board of elections or rely on the postal service.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on September 4, 2020.

A photograph of a handwritten signature in dark ink on a light-colored surface. The signature reads "Tom Roberts" in a cursive, slightly slanted script.

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Tom Roberts